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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,163	09/12/2003	Harry Bims	1875.7300002	7509
26111	7590	04/16/2008	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.			AJAYI, JOEL	
1100 NEW YORK AVENUE, N.W.				
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
2617				
		MAIL DATE	DELIVERY MODE	
		04/16/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,163	BIMS, HARRY	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOEL AJAYI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 February 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-11,13-21 and 23-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-11, 13-21, 23-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 25, 2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-11, 13-21, and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1, 3-11, 13-21, 23-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Harrison et al. (U.S. Patent Number: 5,475,683)** in view of **Co et al. (U.S. Patent Number: 6,396,841)**.

Consider **claim 1**; Harrison discloses a method for automatically establishing a wireless coverage cell using a repeater, comprising: detecting, at a switch, notification signal from a first repeater coupled to the switch at a location (column 5, lines 12-23); receiving at the switch a periodic communication signal from the first repeater that establishes communication between the first repeater and the switch in response to the communication signal, automatically configuring the first repeater to enable the first repeater wirelessly communicate with a mobile station and the switch without using information resulting from a site survey of the location (column 5, lines 12-23); and once the first repeater has been configured, optionally associating the mobile station with the repeater without the knowledge of user of the mobile station (column 5, lines 12-23); wherein a new wireless coverage cell is automatically established when the repeater is coupled to the switch (column 5, lines 12-34; column 6, line 55 – column 7, line 23).

Except:

The first repeater is coupled to the switch via an Ethernet connection; transmitting software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations.

In an analogous art, Co discloses that the first repeater is coupled to the switch via an Ethernet connection (column 1, lines 12-20); transmitting software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations (the process of configuring includes the use of software) (column 1, lines 12-20; column 1, line 65—column 2, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Harrison by coupling a switch with a repeater via an Ethernet connection, and configuring the repeater so that it can communicate with the switch, as taught by Co for the purpose of enhancing the network.

Consider **claim 11**; Harrison discloses a method for automatically establishing a wireless coverage cell using a repeater, comprising: means for detecting, at a switch, notification signal from a first repeater coupled to the switch at a location (column 5, lines 12-23); means for receiving at the switch a periodic communication signal from the first repeater that establishes communication between the first repeater and the switch in response to the communication signal, automatically configuring the first repeater to enable the first repeater wirelessly communicate with a mobile station and the switch without using information resulting from a site survey of the location (column 5, lines 12-23); and means for optionally associating the mobile station with the repeater without the knowledge of user of the mobile station (column 5,

lines 12-23); wherein a new wireless coverage cell is automatically established when the repeater is coupled to the switch (column 5, lines 12-34; column 6, line 55 – column 7, line 23).

Except:

The first repeater is coupled to the switch via an Ethernet connection; means for transmitting software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations.

In an analogous art, Co discloses that the first repeater is coupled to the switch via an Ethernet connection (column 1, lines 12-20); means for transmitting software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations (the process of configuring includes the use of software) (column 1, lines 12-20; column 1, line 65—column 2, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Harrison by coupling a switch with a repeater via an Ethernet connection, and configuring the repeater so that it can communicate with the switch, as taught by Co for the purpose of enhancing the network.

Consider **claim 21**; Harrison discloses a machine-readable medium having executable code to cause a machine to perform a method for automatically establishing a wireless coverage cell using a repeater, the method comprising: detecting, at a switch, notification signal from a first repeater coupled to the switch at a location (column 5, lines 12-23); receiving a periodic communication signal from the first repeater that establishes communication between the first repeater and the switch in response to the communication signal, automatically configuring the first repeater to enable the first repeater wirelessly communicate with the one or more mobile

stations and the switch without using information resulting from a site survey of the location (column 5, lines 12-23); and optionally associating the mobile station with the repeater without the knowledge of user of the mobile station (column 5, lines 12-23); wherein a new wireless coverage cell is automatically established when the repeater is coupled to the switch (column 5, lines 12-34; column 6, line 55 – column 7, line 23).

Except:

The first repeater having been coupled to the switch via an Ethernet connection; uploading software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations.

In an analogous art, Co discloses that the first repeater is coupled to the switch via an Ethernet connection (column 1, lines 12-20); uploading software from the switch to the first repeater to configure the first repeater to operate and communicate with the switch and one or more mobile stations (the process of configuring includes the use of software) (column 1, lines 12-20; column 1, line 65—column 2, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Harrison by coupling a switch with a repeater via an Ethernet connection, and configuring the repeater so that it can communicate with the switch, as taught by Co for the purpose of enhancing the network.

Consider **claims 3, 4, 13, 14, 23, 24**; Co discusses receiving the software at the first repeater; and executing the software to configure the first repeater communicating with the switch and the mobile station (the process of configuring includes the use of software) (column 1, lines 12-20; column 1, line 65—column 2, line 8).

Consider **claims 5-10, 15-20, 25-30**; Harrison discloses determining whether the first repeater is more appropriate with respect to the mobile station than a second repeater with which the mobile station had previously communicated (column 5, lines 12-34).

***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Joel Ajayi*

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617